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1974 NOV 5  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

CLERK  
U.S. DISTRICT COURT

THE MAGNAVOX COMPANY, a  
Corporation, and SANDERS  
ASSOCIATES, INC., a  
Corporation,

Plaintiffs,

v.

BALLY MANUFACTURING  
CORPORATION a Corporation,  
et al.,

Defendants.

Civil Action  
No. 74 C 1030

PLAINTIFFS' RESPONSES TO FIRST  
INTERROGATORIES TO PLAINTIFFS  
BY DEFENDANT MIDWAY MFG. CO.

Plaintiffs, The Magnavox Company and Sanders Associates, Inc. (hereinafter "Magnavox" and "Sanders", respectively), through their undersigned attorneys and agents, hereby respond to the interrogatories served upon Sanders on July 23, 1974 by defendant Midway Mfg. Co. (hereinafter "defendant") under the title "Defendant Midway's First Set of Interrogatories to Plaintiff Sanders Associates, Inc. (Nos. 1 through 81)" and to the interrogatories served upon Magnavox on August 22, 1974 by defendant under the title "Defendant Midway's First Set of Interrogatories to

Plaintiff The Magnavox Company (Nos. 1 through 81)."

The answers supplied are based on information obtained from those employees of plaintiffs having knowledge of the relevant facts or the knowledge of plaintiffs' attorneys.

In responding to certain ones of the interrogatories, plaintiffs have elected, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, to produce for inspection by defendant the documents required to obtain the requested information. The documents to be produced are referred to hereinafter as the "produced documents". Certain ones of the documents being produced are subject to a valid claim of attorney-client privilege but they are being produced in order to advance the resolution of this action and to aid defendant in obtaining the requested information; the production of those documents is expressly without the waiver of any claim of privilege with respect to any other documents or communications. The produced documents will be made available for inspection by defendant during reasonable business hours and by appointment at a time mutually convenient to plaintiffs, defendant, and their attorneys. Those of the produced documents in the possession of Magnavox shall be made available for inspection in the Magnavox offices at 1700 Magnavox Way, Fort Wayne, Indiana, and those of the produced documents in the possession of Sanders shall be made available for inspection in the Sanders offices at Daniel Webster Highway, South, Nashua, New Hampshire.

The interrogatories to the two separate plaintiffs are virtually identical. For the convenience of the Court and the parties, the responses of both plaintiffs are set forth in this single document. Where there are slight differences in the interrogatories to the two different defendants, the interrogatory to Magnavox is set forth first with the response of Magnavox followed by the interrogatory to Sanders with the response of Sanders. In the remaining interrogatories, the responses of both plaintiffs are identical unless separate responses for the individual defendants are set forth.

Various ones of the interrogatories or paragraphs thereof request information concerning United States Patents 3,728,480 and 3,778,058. Those patents are not presently a part of this action as they are not mentioned in the complaint or any of the other pleadings presently on file herein. Thus, plaintiffs object to those interrogatories and paragraphs thereof seeking information as to those two patents as requesting information which is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. The interrogatories and paragraphs thereof requesting information concerning United States Patents 3,728,480 and 3,778,058 as well as United States Patents 3,659,284 and 3,659,285 will be further responded to only to the extent that they relate to United States Patents 3,659,284 and 3,659,285. It is to be noted, however, that much of the information which

is being supplied in response to these interrogatories relates to United States Patents 3,728,480 and 3,778,058 as well as to the two United States Patents 3,659,284 and 3,659,285 here in suit.

1. State whether plaintiff has made or caused to be made any searches or studies as to the validity of:

- (a) U.S. Patent No. 3,659,284;
- (b) U.S. Patent No. 3,659,285;
- (c) U.S. Patent No. 3,728,480;
- (d) U.S. Patent No. 3,778,058

(These four patents being hereinafter sometimes referred to as "said patents".)

RESPONSE:

(a) See the plaintiffs' responses filed herein to the interrogatories of defendant Chicago Dynamic Industries, Inc. (hereinafter C.D.I.).

(b) See the plaintiffs' responses filed herein to the interrogatories of defendant C.D.I.

(c) and (d) Plaintiffs object to paragraphs (c) and (d) of this interrogatory for the reasons stated in the introductory remarks hereto.

2. If the answer to Interrogatory No. 1(a), (b), (c) or (d) is affirmative, with respect to each:

- (a) identify all documents relating to such searches or studies;



(b) identify all prior art patents, publications, or treatises, as well as possible or alleged instances or prior knowledge or prior public use mentioned in said searches or studies;

(c) identify the fields of literature searched by specifying the classes and sub-classes of United States and foreign patents searched, by naming the printed publications consulted and their respective dates of publication or date of span examined in the case of periodicals, and by identifying the persons interviewed as purported repositories of the lore of the art and identify also the persons who conducted each segment of the plaintiff's search for prior art.

RESPONSE:

See the plaintiffs' responses filed herein to the interrogatories of defendant C.D.I.

3. Identify all opinions or reports on the validity and/or enforceability of said patents, including opinions or reports of outside counsel.

RESPONSE:

See the plaintiffs' responses filed herein to the interrogatories of defendant C.D.I.

4. Identify all documents prepared by or for the alleged inventors or received by them relating or referring in any way to the preparation or filing of the patent applications which issued respectively as the following listed patents, or any parent application thereof:

(a) U.S. Patent No. 3,659,284

(b) U.S. Patent No. 3,659,285

(c) U.S. Patent No. 3,728,480;

(d) U.S. Patent No. 3,778,058.

RESPONSE:

(a) See the produced documents.

(b) See the produced documents.

(c) and (d) Plaintiffs object to paragraphs (c) and (d) of this interrogatory for the reasons stated in the introductory remarks hereto.

5. Identify all documents relating in any way to the prosecution in the United States Patent Office of the application or applications which led to the issuance of U.S. Patent No. 3,659,284.

RESPONSE:

See the produced documents and the files in the United States Patent Office relating to U.S. Patent 3,659,284.

6. Identify all documents relating in any way to the prosecution in the United States Patent Office of the application or applications which led to the issuance of U.S. Patent No. 3,659,285.

RESPONSE:

See the produced documents and the files of the United States Patent Office relating to U.S. Patent 3,659,285.

7. Identify all documents relating in any way to the prosecution in the United States Patent Office of the application or applications which led to the issuance of U.S. Patent No. 3,728,480.

RESPONSE:

Plaintiffs object to interrogatory 7 for the reasons stated in the introductory remarks hereto.

8. Identify all documents relating in any way to the prosecution in the United States Patent Office of the application or applications which led to the issuance of U.S. Patent No. 3,778,058.

RESPONSE:

Plaintiffs object to interrogatory 8 for the reasons stated in the introductory remarks hereto.

9. Identify all licenses and other contracts at any time granted, made, or offered by plaintiff under or with respect to:

(a) Patent No. 3,659,284, the application therefor, the alleged invention thereof, or any corresponding foreign patents or patent applications;

(b) Patent No. 3,659,285, the application therefor, the alleged invention thereof, or any corresponding foreign patents or patent applications;

(c) Patent No. 3,728,480, the application therefor, the alleged invention thereof, or any corresponding foreign patents or patent applications; and

(d) Patent No. 3,778,058, the application therefor, the alleged invention thereof, or any corresponding foreign patents or patent applications.

RESPONSE:

(a) See the produced documents.

(b) See the produced documents.

(c) and (d) Plaintiffs object to paragraphs (c) and (d) of interrogatory 9 for the reasons stated in the introductory remarks hereto.

10. Identify all documents relating in any way to efforts or offers (including formal or informal negotiations of any type) made by or to plaintiff to license under, sell or buy, or otherwise deal with any of said four patents, the applications therefor, the alleged inventions thereof, or any corresponding foreign patents or patent applications, and with respect to each document, specify which of the four were involved.

RESPONSE:

Plaintiffs object to interrogatory 10 insofar as it requests information relating to U.S. Patents 3,728,480 and 3,778,058, the applications therefor, the inventions thereof, or any corresponding foreign patents or patent applications for the reasons stated in the introductory remarks hereto. However, in order to advance the resolution of this action, plaintiffs will supply the requested information relating to U.S. Patents 3,659,284 and 3,659,285 by producing for inspection by defendant all documents sought to be identified and subject to a proper request for production.

11. Identify all foreign patent applications filed corresponding to each of said four patents, indicating (a) the respective correspondence; (b) the respective

patent numbers of each patent which issued on such applications; and (c) the references cited during the prosecution, examination, or opposition of all of such applications. If there are or were no such foreign applications corresponding respectively to each of the patents, so state.

RESPONSE:

Plaintiffs object to interrogatory 11 insofar as it relates to U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. However, in order to advance the resolution of this action, the following information is supplied with respect to U.S. Patents 3,659,284 and 3,659,285:

# Foreign Applications Corresponding to 3,659,284

<u>Country</u>	<u>Application No.</u>	<u>Patent No. (if any)</u>	<u>Cited References</u>
Australia	14365/70	442,967	
Belgium	89546	751.008	
Canada	075,905	920,160	U.S. Patents 2,455,922 and 2,847,661
England	25007/70	1318051	
England	6342/73	1319410	
Germany	P 20 17 312. 0-31	2017312	Publication "Funk und Ton" 1954, No. 4, pages 179 to 186
Greece	45	46582	
Israel	33915	33915	
Israel	41011	41011	
Italy	24,954A/70	893,433	
Argentina	S/243.733		
France	70/19368		U.S. Patent 2,784,247; British Patent 633,424
Holland	70/07,591		Dutch Patent Specification 69,04775; British Patent 633,424; U.S. Patent 2,784,247
Japan	44 908/70		Publication "OKI DENKI GIHO" Vol. 34, No. 1, pp. 80-82
Mexico	136583		
Spain	406.016		
Sweden	6931/70	304186	Swedish Patent Application 3520/69
Switzerland	7777/70	529491	
Venezuela	1571-72	30.171	

Foreign Applications Corresponding to 3,659,285

<u>Country</u>	<u>Application No.</u>	<u>Patent No. (if any)</u>	<u>Cited References</u>
Australia	15257/70	441,126	
Canada	080,392	911,484	
Canada	141,190	927,864	U.S. Patent 2,455,992
Belgium	92892	754.932	
England	38500/70	1328223	
Germany	P2030959.5	2,030,959	
Israel	34263	34263	
Italy	28773A/70	901545	
Switzerland	12.306/70	534989	
France	70/29530		British Patent 633,424; U.S. Patents 3,207,842 and 3,271,032
Japan	71143/70		
Mexico	136584		
Sweden	11255/70		Swedish Patent Applications 3580/69 and 6931/70
Holland	70.12341		Dutch Patent Application No. 69,04775 Dutch Patent Application No. 70,07591 British Patent 633,424; U.S. Patents 3,207,842 and 3,271,032

12. Identify, with respect to each of the foreign patent applications identified in the answer to the preceding interrogatory:

- (a) all communications with the respective foreign patent offices;
- (b) all communications between the inventors, Sanders Associates, Inc., or their representatives, and the foreign associate or agent representing them in the respective foreign patent offices;
- (c) all memoranda relating to the preparation, filing or prosecution of all such foreign patent applications;
- (d) all communications with outside counsel relating to the preparation, filing and prosecution of all such foreign patent applications; and
- (e) all other communications relating to such foreign patent applications, the patents which issued from said applications and/or any attempts to enforce or license any of such foreign applications or patents.

RESPONSE:

Plaintiffs object to interrogatory 12 insofar as it requests information regarding foreign patent applications corresponding to U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. However, in order to advance the resolution of this action, plaintiffs respond as follows to this interrogatory.

- (a) See the produced documents.
- (b) See the produced documents and the following:
  - A. a. Letter
  - b. June 24, 1974
  - c. Richard I. Seligman



- d. Australian Patent Application No. 442,967
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- B. a. Letter
- b. July 8, 1974
- c. V. H. Rootsey, Spruson and Ferguson,  
Esso House, 127 Kent Street, Sydney, Australia
- d. Australian Patent Application No. 14365/70
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- C. a. Letter
- b. June 25, 1974
- c. Richard I. Seligman
- d. Belgian Patent No. 751,008
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- D. a. Letter
- b. July 12, 1974
- c. F. de Kenimeter, Bureau Vander Haeghen,  
Avenue de la Toisan d'or, 63 B-1060,  
Bruxelles, Belgium
- d. Belgian Patent No. 751,008
- e. Discussion of claims

- f. Louis Etlinger
  - g. No.
- E.
  - a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. Canadian Patent Application No. 075,965
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- F.
  - a. Letter
  - b. August 23, 1974
  - c. E. E. Pascal, Gowling and Henderson, Station A,  
Box 466, Ottawa, Canada
  - d. Canadian Patent Application 075,965;  
Canadian Patent 920,160
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- G.
  - a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. German Patent No. 2017312
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- H.   a.   Letter
- b.   June 24, 1974
- c.   Richard I. Seligman
- d.   Greek Patent No. 46582
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- I.    a.   Letter
- b.   July 3, 1974
- c.   Dr. Aris Kalliklis, Amerihis Str. 18,  
          134, Athens, Greece
- d.   Greek Patent No. 46582
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- J.    a.   Letter
- b.   September 9, 1974
- c.   Richard I. Seligman
- d.   Greek Patent No. 46582
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- K.    a.   Letter
- b.   June 25, 1974
- c.   Richard I. Seligman
- d.   Israeli Patent No. 33915
- e.   Discussion of claims
- f.   Louis Etlinger

- g. No.
- L. a. Letter
- b. July 7, 1974
- c. Dr. Erich I. Rapaport, Cohen, Zedlek and  
Spisbach, 29 Bezalel St., Tel Aviv, Israel
- d. Israeli Patent No. 33915
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- M. a. Letter
- b. June 24, 1974
- c. Richard I. Seligman
- d. Italian Patent No. 893,433
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- N. a. Letter
- b. July 18, 1974
- c. Ing. A. Racheli, Via Nosetto 6,  
Bellinzona, Switzerland
- d. Italian Patent No. 893,433
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- O. a. Letter
- b. June 24, 1974
- c. Richard I. Seligman

- d. French Patent Application No. 70/19368
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- P.
- a. Letter
  - b. July 1, 1974
  - c. Unknown
  - d. French Patent Application No. 70/19368
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- Q.
- a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. Spanish Patent Application No. 406,016
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- R.
- a. Letter
  - b. July 27, 1974
  - c. Sr. Elzaburu, Miguel Angel, al, Madrid, Spain
  - d. Spanish Patent of Importation Application No. 406,016
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- S.   a.   Letter
- b.   September 6, 1974
- c.   Richard I. Seligman
- d.   Spanish Patent Application No. 406,016
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- T.   a.   Letter
- b.   June 24, 1974
- c.   Richard I. Seligman
- d.   Swedish Patent No. 364,186
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- U.   a.   Letter
- b.   July 4, 1974
- c.   Stig Hammer, L. A. Groth & Co., A.B., Patentbyra,  
          Vastmannagaton 43 S-11325 Stockholm, Sweden
- d.   Swedish Patent 364,186
- e.   Discussion of claims
- f.   Louis Etlinger
- g.   No.
- V.   a.   Letter
- b.   June 25, 1974
- c.   Richard I. Seligman
- d.   Swiss Patent No. 529,491

- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- X. a. Letter
- b. July 18, 1974
- c. Ing. A. Racheli
- d. Swiss Patent No. 529,491
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- Y. a. Letter
- b. June 25, 1974
- c. Richard I. Seligman
- d. Venezuelan Patent No. 30.171
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- Z. a. Letter
- b. July 2, 1974
- c. W. Snijder, Boletand Terrero, Apartado 852,  
Caracas 101, Venezuela
- d. Venezuelan Patent No. 30.171
- e. Discussion of claims
- f. Louis Etlinger
- g. No.
- AA. a. Letter

- b. September 6, 1974
  - c. Richard I. Seligman
  - d. Venezuelan Patent No. 30.171
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AB.
- a. Letter
  - b. May 21, 1974
  - c. Richard I. Seligman
  - d. Mexican file No. 136,584
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AC.
- a. Letter
  - b. June 24, 1974
  - c. Richard I. Seligman
  - d. Australian Patent Application No. 441,126
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AD.
- a. Letter
  - b. July 4, 1974
  - c. V. H. Rootsey
  - d. Australian Patent Application No. 441,126
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.



- AF.    a.    Letter  
      b.    August 26, 1974  
      c.    E. E. Pascal  
      d.    Canadian Patent Application No. 080,392  
            Canadian Patent No. 911,484  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AG.    a.    Letter  
      b.    June 25, 1974  
      c.    Richard I. Seligman  
      d.    Belgian Patent No. 754,932  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AH.    a.    Letter  
      b.    July 12, 1974  
      c.    F. de Kemmeter  
      d.    Belgian Patent No. 754,932  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AI.    a.    Letter  
      b.    July 25, 1974  
      c.    Richard I. Seligman  
      d.    British Patent No. 1,328,223

- e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AJ.
- a. Letter
  - b. August 5, 1974
  - c. Mr. Warren, Baron and Warren, 16 Kensington Square,  
London, W. 8 England
  - d. British Patent 1,328,223
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AK.
- a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. German Patent No. 2,030,959
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AL.
- a. Letter
  - b. July 4, 1974
  - c. Unknown
  - d. German Patent No. 2,030,959
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AM.
- a. Letter

- b. June 25, 1974
- c. Richard I. Seligman
- d. Israeli Patent No. 34,263
- e. Discussion of claims
- f. Louis Etlinger
- g. No.

- AN.
- a. Letter
  - b. July 4, 1974
  - c. Dr. Erich I. Rapaport
  - d. Israeli Patent Application No. 34,263
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- AO.
- a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. Italian Patent No. 901,545
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- AP.
- a. Letter
  - b. July 18, 1974
  - c. Ing. A. Racheli
  - d. Italian Patent No. 901,545
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- AQ.    a.    Letter  
      b.    June 25, 1974  
      c.    Richard I. Seligman  
      d.    Swiss Patent No. 534,989  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AR.    a.    Letter  
      b.    July 18, 1974  
      c.    Ing. A. Racheli  
      d.    Swiss Patent No. 534,989  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AS.    a.    Letter  
      b.    June 25, 1974  
      c.    Richard I. Seligman  
      d.    French Patent Application No. 70/29530  
      e.    Discussion of claims  
      f.    Louis Etlinger  
      g.    No.
- AT.    a.    Letter  
      b.    July 1, 1974  
      c.    Unknown  
      d.    French Patent Application No. 70/29530  
      e.    Discussion of claims  
      f.    Louis Etlinger

g. No.

AU. a. Letter

b. June 25, 1974

c. Richard I. Seligman

d. Japanese Patent Application No. 71143/70

e. Discussion of claims

f. Louis Etlinger

g. No.

AV. a. Letter

b. July 11, 1974

c. Kichiro Takeda, Nompeidai, Asion Masion 310,  
Nompeidai-Cho, Shibuya-ku 150, Tokyo, Japan

d. Japanese Patent Application No. 71143/70

e. Discussion of claims

f. Louis Etlinger

g. No.

AW. a. Letter

b. May 21, 1974

c. Richard I. Seligman

d. Mexican File No. 136,584

e. Discussion of claims

f. Louis Etlinger

g. No.

AX. a. Letter

b. June 25, 1974

c. Richard I. Seligman

- d. Dutch Patent Application No. 70.12341
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AY.
- a. Letter
  - b. August 6, 1974
  - c. A. Plaisier, Nederlandsch Octrooibureau,  
Joh. de Wittlaciú 15 Den Haag, Holland
  - d. Dutch Patent Application No. 70.12341
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- AZ.
- a. Letter
  - b. June 25, 1974
  - c. Richard I. Seligman
  - d. Swedish Patent Application No. 11255/70
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.
- BA.
- a. Letter
  - b. July 4, 1974
  - c. Stig Hammer
  - d. Swedish Patent Application 11255/70
  - e. Discussion of claims
  - f. Louis Etlinger
  - g. No.

- BB.    a.    Letter
- b.    September 10, 1974
- c.    Richard I. Seligman
- d.    Swedish Patent Application 11255/70
- e.    Discussion of claims
- f.    Louis Etlinger
- g.    No.

(c)    See the produced documents.

(d)    See the produced documents.

(e)    See the produced documents.

13.    Identify the persons most familiar with plaintiff's activities relating to the attempted licensing and/or enforcement of said four patents.

RESPONSE:

MAGNAVOX

Thomas A. Briody  
Corporate Patent Counsel  
The Magnavox Company  
Fort Wayne, Indiana

SANDERS

Louis Etlinger  
Director, Patents and Licensing  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

Ralph H. Baer  
Chief Engineer, Electro-Optics Divisions  
Sanders Associates, Inc.  
Merrimack, New Hampshire

14. Identify each and every claim of each of said patents which plaintiff contends in good faith is infringed by defendant Midway.

RESPONSE:

To the extent that interrogatory 14 requests information relating to U.S. Patents 3,728,480 and 3,778,058, plaintiffs object to this interrogatory for the reasons stated in the introductory remarks hereto. As to U.S. Patents 3,659,284 and 3,659,285, plaintiffs are presently unable to provide a complete response to this interrogatory as plaintiffs have not received from defendant complete information concerning the construction and operation of each video game defendant has made, used, or sold. Plaintiffs will supply the following information as they are presently best able to determine it, but reserve the right to add additional claims as discovery in this action progresses:

U.S. Patent 3,659,284 - Claims 22, 44, 45, 51, 54, 55, and 57.

U.S. Patent 3,659,285 - Claims 2 and 6.

15. (Magnavox) State separately for each of said patents whether plaintiff or Sanders Associates, Inc. has made commercial use of the alleged inventions, and if so, identify the specific claims which cover each of the alleged inventions of which commercial use was made.

RESPONSE:

Plaintiffs object to interrogatory 15 insofar as it requests information with respect to



U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. With regard to U.S. Patents 3,659,284 and 3,659,285, plaintiffs further object to this interrogatory insofar as it requests information with respect to claims of those patents not asserted by plaintiff to be infringed by defendant's apparatus as requesting information which is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. However, in order to advance the resolution of this action, plaintiffs further respond to this interrogatory by stating that plaintiff Magnavox has made commercial use of the inventions of U.S. Patents 3,659,284 and 3,659,285, that the commercial uses of plaintiff Magnavox are covered by each of the claims referred to in the response to defendant's interrogatory 14, and that plaintiff Sanders has made no commercial use of the inventions of U.S. Patents 3,659,284 and 3,659,285.

15. (Sanders) State separately for each of said patents whether plaintiff or The Magnavox Company, has made commercial use of the alleged inventions, and if so, identify the specific claims which cover each of the alleged inventions of which commercial use was made.

RESPONSE:

See the response herein to interrogatory 15 to Magnavox.

16. As to each claim of each patent referred to in the preceding interrogatory, state the date when such commercial use began and when it ended.

RESPONSE:

Each such commercial use began in approximately April, 1972, and has continued to the present.

17. With respect to the commercial use referred to in the preceding interrogatories, identify separately for each patent claim, the devices and apparatus in which the alleged inventions were embodied.

RESPONSE:

For each such commercial use the device and apparatus was Magnavox Model Number 1TL 200.

18. Does plaintiff contend that any of the alleged inventions of said patents are a commercial success? If so, state which inventions and the corresponding patent and patent claims which are alleged to cover such inventions, and identify the particular commercial devices or apparatus, by model number or other trade designation, which embodied such inventions.

RESPONSE:

Yes. Plaintiffs object to interrogatory 18 insofar as it requests information with respect to U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. With regard to U.S. Patents 3,659,284 and 3,659,285, plaintiffs contend that the subject matters of each of the claims identified in response to defendant's interrogatory 14 are a commercial success. Magnavox Model Number 1TL 200 embodies those

subject matters as well as the video games manufactured, used, and sold by the different defendants in this action and previously identified in the proceedings in this action.

19. (Magnavox) If the answer to the previous interrogatory was in the affirmative, state separately for each calendar year the dollar sales in the United States for devices and apparatus embodying the subject matter of the claims of said patents, of:

- (a) the plaintiff;
- (b) Sanders Associates, Inc.;
- (c) any other person (or firm).

RESPONSE:

Plaintiffs object to interrogatory 19 insofar as it calls for dollar sales of the plaintiffs as dollar sales is not relevant to the issue of commercial success and is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. Further, the requested sales figures of plaintiff are a business confidence and a trade secret and will not be disclosed to defendant without the entry of an appropriate protective order. Plaintiffs have no present knowledge of the remainder of the information requested in this interrogatory.

19. (Sanders) If the answer to the previous interrogatory was in the affirmative, state separately for each calendar year the dollar sales in the United States for devices and apparatus embodying the subject matter of the claims of said patents, of:

- (a) the plaintiff;
- (b) The Magnavox Company;
- (c) any other person (or firm).

RESPONSE:

See the response herein to interrogatory 19  
to Magnavox.

20. (Magnavox) Identify each agreement or understanding, oral or written, between each of the named inventors of each of said patents and

- (a) The Magnavox Company
- (b) Sanders Associates, Inc.

RESPONSE:

There are no such agreements or understandings  
with Magnavox. As to Sanders, see the produced documents.

20. (Sanders) Identify each agreement or understanding, oral or written, between each of the named inventors of each of said patents and

- (a) The Magnavox Company
- (b) Sanders Associates, Inc.

RESPONSE:

See the response herein to interrogatory 20  
to Magnavox.

21. State for each of the named inventors of each of four said patents the following information:

- (a) home address;
- (b) place of employment;
- (c) present employer;
- (d) position, office or title held with present employer;
- (e) all previous employers, and their respective addresses;
- (f) if he was ever employed by Sanders Associates, Inc.; and
- (g) date of termination of employment with Sanders Associates, Inc., if no longer an employee thereof.

RESPONSE:

Ralph H. Baer

- a. 134 Mayflower Drive, Manchester,  
New Hampshire 03102
- b. Merrimack, New Hampshire
- c. Sanders Associates, Inc.
- d. Chief Engineer, Electro-Optics Divisions
- e. At all times pertinent to this action,  
Mr. Baer has been employed by Sanders  
Associates, Inc.
- f. Yes
- g. Not applicable

William T. Rusch

- a. 80 Main Street, Hollis, New Hampshire 03049
- b. Simon Street, Nashua, New Hampshire 03060

- c. Sanders Associates, Inc.
- d. Member Technical Staff -EE
- e. At all times pertinent to the present action,  
Mr. Rusch has been employed by Sanders  
Associates, Inc.
- f. Yes
- g. Not applicable

William L. Harrison

- a. 101 Broad Street, Nashua, New Hampshire 03060
- b. 95 Canal Street, Nashua, New Hampshire 03060
- c. Sanders Associates, Inc.
- d. Senior Engineering Associate
- e. At all times pertinent to the present action,  
Mr. Harrison has been employed by Sanders  
Associates, Inc.
- f. Yes
- g. Not applicable

22. (Magnavox) Identify all documents that refer or relate to each agreement or understanding, oral or written, between the alleged inventors of said patents and

- (a) The Magnavox Company
- (b) Sanders Associates, Inc.

RESPONSE:

See the produced documents.

22. (Sanders) Identify all documents that refer or relate to each agreement or understanding, oral or written, between the alleged inventors of said patents and

- (a) The Magnavox Company
- (b) Sanders Associates, Inc.

RESPONSE:

See the produced documents.

23. Identify all sales literature, press releases, promotional material, and technical articles written by or for plaintiff and which refers to one or more of the following:

- (a) any of said patents;
- (b) the alleged inventions of said patents;
- (c) the applications for said patents;
- (d) applications or patents corresponding to said patents and foreign to the United States;
- (e) so-called video or t.v. games; and
- (f) coin-operated games.

RESPONSE:

Plaintiffs object to this interrogatory insofar as it requests information relating to U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. As to U.S. Patents 3,659,284 and 3,659,285, see the produced documents.

24. State the following concerning devices or apparatus built by, or for, plaintiff that embodied the purported invention of Patent No. 3,659,284;

- (a) the date of construction of the first model sold to another;
- (b) the date of the sale and identity of the purchaser;
- (c) its model number, or other identification;
- (d) the identity of each person who either designed or supervised the construction of the portion of the device or apparatus to which said patent is pertinent.

RESPONSE:

MAGNAVOX

- (a) Approximately April, 1972
- (b) Approximately April, 1972; Barrett TV
- (c) Magnavox Model Number 1TL 200
- (d) Mr. George A. Kent.

SANDERS

Not applicable.

25. State the following concerning apparatus or devices built by, or for, plaintiff that embodied the purported invention of Patent No. 3,659,285:

- (a) the date of construction of the first model sold to another;
- (b) the date of the sale and identity of the purchaser;
- (c) its model number, or other identification;
- (d) the identity of each person who either designed or supervised the construction of the portion of the apparatus or device to which said patent is pertinent.



RESPONSE:

See the response to interrogatory 24.

26. State the following concerning apparatus and devices built by, or for, plaintiff that embodied the purported invention of Patent No. 3,728,480:

- (a) the date of construction of the first model sold to another;
- (b) the date of the sale and the identity of the purchaser;
- (c) its model number, or other identification;
- (d) the identity of each person who either designed or supervised the construction of the portion of the apparatus or device to which said patent is pertinent.

RESPONSE:

Plaintiffs object to interrogatory 26 for the reasons stated in the introductory remarks hereto.

27. State the following concerning apparatus or devices built by, or for, plaintiff that embodied the purported invention of Patent No. 3,778,058:

- (a) the date of construction of the first model sold to another;
- (b) the date of the sale and identity of the purchaser;
- (c) its model number, or other identification;
- (d) the identity of each person who either designed or supervised the construction of the portion of the apparatus or devices to which said patent is pertinent.

RESPONSE:

Plaintiffs object to interrogatory 27 for the reasons stated in the introductory remarks hereto.

28. (a) State separately for each of said patents each element of each claim which plaintiff contends is not in the prior art.

(b) State separately for each of said patents each element of each claim which plaintiff contends is in the prior art.

RESPONSE:

Plaintiffs object to this interrogatory insofar as it requests contentions as to the claims of U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. Plaintiffs further object to this interrogatory insofar as it requests information as to plaintiffs' contentions with respect to the claims of U.S. Patents 3,659,284 and 3,659,285, which are not alleged to be infringed by defendant as requesting information which is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. As to the claims identified in response to interrogatory 14 hereof, plaintiffs do not presently intend to make any contentions such as are referred to in this interrogatory.

29. State the respective dates on which each of the alleged inventions of each of said patents was made.

RESPONSE:

Plaintiffs object to this interrogatory insofar as it requests information relating to U.S. Patents 3,728,480 and 3,778,058 for the reasons stated in the introductory remarks hereto. Insofar as this interrogatory requests information relating to U.S. Patents 3,659,284 and 3,659,285, plaintiffs object to this interrogatory as requesting information which is not relevant to either the subject matter involved or any issues now in this action or reasonably calculated to lead to the discovery of admissible evidence. In particular, the information requested in this interrogatory relates to the dates on which the inventions of said patents were made. Plaintiffs presently have no knowledge of any prior art relevant to said patents which would cause them to rely on the dates of invention prior to the filing date thereof.

30. State plaintiff's contention as to the scope and content of the prior art at the time each of the alleged inventions of the following patents was made:

- (a) Patent No. 3,659,284;
- (b) Patent No. 3,659,285;
- (c) Patent No. 3,728,480;
- (d) Patent No. 3,778,058.

RESPONSE:

(a) The requested contentions are set forth in said patent and the papers on file in the United States Patent

Office which led to the granting of that patent. Defendant has not yet informed plaintiffs of the prior art upon which it will rely at the trial of this action, so that plaintiffs are unable to state their contentions with respect to that prior art;

(b) See the response to paragraph (a);

(c) and (d) Plaintiffs object to paragraphs (c) and (d) of this interrogatory for the reasons stated in the introductory remarks hereto.

31. If it is plaintiff's contention that any one of said patents claims more than one invention, then describe the plaintiff's contention as to the scope and content of the prior art at the time each of those alleged inventions of such patent was made.

RESPONSE:

Insofar as this interrogatory requests information concerning U.S. Patents 3,728,480 and 3,778,058, plaintiffs object to this interrogatory for the reasons stated in the introductory remarks hereto. Insofar as this interrogatory requests plaintiffs' contentions as to U.S. Patents 3,659,284 and 3,659,285, plaintiffs do not presently intend to contend that either of said patents claims more than one invention.

32. State plaintiff's contention as to the differences between the prior art and the claims of Patent No. 3,659,284 which plaintiff alleges are infringed by defendant, Midway, and fully describe such differences.

RESPONSE:

See the response herein to paragraph (a) of interrogatory 30.

33. State plaintiff's contention as to the differences between the prior art and the claims of Patent No. 3,659,285 which plaintiff alleges are infringed by defendant, Midway, and fully describe such differences.

RESPONSE:

See the response herein to paragraph (b) of interrogatory 30.

34. State plaintiff's contention as to the differences between the prior art and the claims of Patent No. 3,728,480 which plaintiff alleges are infringed by defendant, Midway, and fully describe such differences.

RESPONSE:

Plaintiffs object to interrogatory 34 for the reasons stated in the introductory remarks hereto.

35. State plaintiff's contention as to the differences between the prior art and the claims of Patent No. 3,778,058 which plaintiff alleges are infringed by defendant Midway, and fully describe such differences.

RESPONSE:

Plaintiffs object to interrogatory 35 for the reasons stated in the introductory remarks hereto.

36. State plaintiff's contention as to the level of ordinary skill in the art at the time the alleged invention(s) of Patent No. 3,659,284 was made, and describe said level of skill.

RESPONSE:

The patents in suit relate to the art of video games. It is plaintiffs' contention that prior to the

commencement of the activities of the inventors of the patents in suit relating to video games, the video game art did not exist. The inventors of the patents in suit created a new art. That art combined skills previously existing in a plurality of other arts including the arts of television design and game design.

37. State plaintiff's contention as to the level of ordinary skill in the art at the time the alleged invention(s) of Patent No. 3,659,285 was made, and describe said level of skill.

RESPONSE:

See the response herein to interrogatory 36.

38. State plaintiff's contention as to the level of ordinary skill in the art at the time the alleged invention(s) of Patent No. 3,728,480 was made, and describe said level of skill.

RESPONSE:

Plaintiffs object to interrogatory 38 for the reasons stated in the introductory remarks hereto.

39. State plaintiff's contention as to the level of ordinary skill in the art at the time the alleged invention(s) of Patent No. 3,778,058 was made, and describe said level of skill.

RESPONSE:

Plaintiffs object to interrogatory 39 for the reasons stated in the introductory remarks hereto.

40. (a) Identify each person whom plaintiff expects to call as an expert at trial.

(b) State the subject matter on which the expert is expected to testify.

(c) State the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds of each opinion.

(d) (1) Identify any person who has or had been retained or employed by plaintiff as an expert in anticipation of this law suit, or any other law suit involving one or more of said patents, or in preparation for trial, and who is not expected to be called as a witness at trial.

(2) Identify any person with whom plaintiff, its representative or attorney, has conferred or communicated to explore the use of such person as an expert in any law suit involving one or more of said patents.

RESPONSE:

(a) Plaintiffs have not yet ascertained the identity of those persons whom they expect to call at trial as expert witnesses.

(b) Not applicable.

(c) Not applicable.

(d) (1) There are no such persons.

(2) There are no such persons.

41. Insofar as not identified in answer to prior interrogatories, identify all articles, patents, or other written material, printed or published prior to May 27, 1969 that are presently known to plaintiff which refer or relate in any way to:

(a) any device for playing a game in which a cathode-ray tube or television tube is employed or utilized;

- (b) any device employing a cathode-ray tube or television tube on which is displayed one or more spots or marks and which device has the capability of permitting simulation of a game which can be played by moving the position of the spot(s) or mark(s) on the cathode-ray or television tube.

RESPONSE:

Plaintiffs object to this interrogatory as requesting articles, patents, or other written material which is not relevant to the consideration of the patents here in suit. All articles, patents, or other written material known to plaintiffs which might in any way be considered relevant to the patents here in suit are identified in plaintiffs' responses filed herein to the interrogatories of defendant C.D.I.

42. State whether plaintiff prior to this suit, made or caused to be made any studies, inspections or investigations as to whether any apparatus or device manufactured or sold by defendant infringes any of said patents. If so, as to each study, inspection or investigation:

- (a) state when, where and each person who made the study, inspection or investigation;
- (b) state the model of each apparatus and device investigated, inspected or studied; and
- (c) identify all documents relating to the study, inspection or investigation, including but not limited to all internal memoranda, opinions and reports of counsel.



RESPONSE:

Yes.

- (a) Plaintiffs inspected defendant's apparatus at the Music Operators of America exhibit referred to in the responses to interrogatories 7 and 10 of defendant C.D.I.;
- (b) Winner IV, Asteroid and Leader;
- (c) See the produced documents.

43. Does plaintiff know of any sale by defendant Midway prior to this suit, of a device or apparatus which it contends infringes any of said patents? If so, with respect to each of the patents, identify the respective model(s) and purchaser(s) of such devices or apparatus.

RESPONSE:

Plaintiffs believe that such sales occurred but have no present knowledge of any particular such sale.

44. Does plaintiff know of any commercial manufacture by defendant Midway prior to this suit, of a device or apparatus which it contends infringes any of said patents? If so, with respect to each of the patents, identify the model(s) and purchaser(s) or recipient(s) of such devices or apparatus.

RESPONSE:

Yes. Asteroid, Winner II, Winner IV, Playtime, TV Basketball, Leader, Lo Boy Leader. Plaintiffs have no present knowledge of individual purchasers or recipients of the identified apparatus.

45. Does plaintiff know of any experimental or prototype apparatus or device made by or for Midway which plaintiff contends infringes any of said patents? If so, identify, with respect to each patent, the model(s) or type(s), and describe the circumstances under which this information was obtained by plaintiff.

RESPONSE:

No.

46. Specify, as to each of Midway's apparatus or devices which plaintiff contends infringes said patents, plaintiff's contention as to how each element of the patent claims "read" on such devices or apparatus.

RESPONSE:

Plaintiffs are at present unable to supply the information requested in this interrogatory because defendant has thus far failed to supply plaintiffs with detailed information concerning the construction and operation of defendant's said apparatus.

47. For each of said patents plaintiff is requested to "read" each of the patent claims which plaintiff contends is infringed by Midway upon Midway's accused devices and apparatus, for each model or type of device or apparatus made or sold by Midway as known to plaintiff.

RESPONSE:

See the response to interrogatory 46.

48. State all facts on which defendant relies to support the date or dates that the alleged inventions of said patents were made.

RESPONSE:

Insofar as this interrogatory requests information relating to U.S. Patent 3,728,480 and 3,778,058, plaintiffs object to interrogatory 48 for the reasons stated in the introductory remarks hereto. With respect to U.S. Patents 3,659,284 and 3,659,285, plaintiffs presently have no knowledge of any prior art relevant to said patents which would cause them to rely on a date of invention prior to the filing date thereof.

49. Identify all documents referring to or relating to the dates such alleged inventions were made.

RESPONSE:

See the produced documents.

50. Identify all persons who have personal knowledge of facts relating to the proof of the dates such alleged inventions were made.

RESPONSE:

Those persons identified in the response to interrogatories 40 and 41 of defendant C.D.I. and the following persons:

Richard I. Seligman  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire

William Stapanishen

51. Identify all persons who have personal knowledge of facts relating to the reasons for filing the applications (including parent applications) which issued into said four patents.

RESPONSE:

Louis Etlinger and Richard I. Seligman.

52. Identify all officers of plaintiff corporation by stating for each his full name, his job title, and the address of his place of employment.

RESPONSE:

MAGNAVOX

Robert H. Platt, President  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Alfred di Scipio  
Senior Vice President - Operations  
(Consumer Electronics)  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Daniel F. Minahan  
Senior Vice President - Operations  
(Home Furnishings)  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Jack W. Schrey  
Senior Vice President - Operations  
(Government and Industrial Products)  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

Charles L. Bickel  
Vice President  
(Selmer Division)  
The Magnavox Company  
Elkhart, Indiana

Mark B. Bollman, Jr.  
Vice President  
(Advertising and Public Relations)  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Brack W. Duker  
Vice President  
(Controller)  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

John M. Fauth  
Vice President  
(Tennessee Operations)  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Donald L. Hamilton  
Vice President  
(Employee Relations)  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Samuel H. Newnam  
Vice President  
(Director of Purchasing)  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

Samuel J. Rozel  
Vice President  
(Secretary and General Counsel)  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

James T. Smith  
Vice President  
(General Manager, Fort Wayne Division)  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

Arthur P. Stern  
Vice President  
(General Manager, Magnavox Advanced  
Products Division)  
The Magnavox Company  
Torrence, California

Frank Van Steenberg  
Vice President  
(President, Magnavox Furniture, Inc.)  
The Magnavox Company  
Chicago, Illinois

James M. Whelan  
Vice President and Treasurer  
The Magnavox Company  
345 Park Avenue  
New York, New York 10022

Jacob Kanter  
Assistant Secretary  
The Magnavox Company  
1700 Magnavox Way  
Fort Wayne, Indiana 46804

#### SANDERS

Royden C. Sanders, Jr., President  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Harold W. Pope, Exec. Vice President  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

M. Joel Kosheff, Vice President-Finance  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Daniel C. Chisholm, Vice-President, Corporate Planning  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Martin R. Richmond, Vice President, Corporate Tech.  
Planning  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Dr. George S. Sebestyen, Corporate Vice-President  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Albert B. Wight, Corporate Vice President  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Mellon C. Baird, Jr., Group Vice President  
Federal Systems Group  
Sanders Associates, Inc.  
95 Canal Street  
Nashua, New Hampshire 03060

James I. Chesterley, Vice President  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Dr. Charles L. Register, Vice President Corporate Staff  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Thomas E. Woodruff, Vice President,  
Ocean Systems, Federal Systems Group  
Sanders Associates, Inc.  
Simon Street  
Nashua, New Hampshire 03060

Arthur W. Carroll, Vice President and General Manager  
Sanders Data Systems Group N. Am. Div.  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

John J. Egan, Jr., Vice President, Marketing  
Sanders Data Systems Group  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

William Bernstein, Vice President, Engineering  
Sanders Data Systems  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

M. Andrew Haladej  
Vice President, International  
Sanders Data Systems Group  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Leo J. McLaughlin, Group Vice President  
Component Products Group  
Sanders Associates, Inc.  
Manchester, New Hampshire 03103

James F. Gallagher, Corporate Comptroller  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

John M. Keefe, Corporate Counsel and Secretary  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

John A. Ruggiero, Assistant Treasurer  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

Norman J. Marsh, Jr., Assistant Secretary  
Sanders Associates, Inc.  
Daniel Webster Highway, South  
Nashua, New Hampshire 03060

53. As to each identified officer, state whether or not he has knowledge of any of said patents, the applications therefor, or the alleged inventions thereof. If he has such knowledge, summarize the extent of such knowledge.

RESPONSE:

Most of the officers identified in the response to interrogatory 52 have knowledge of the existence of said patents. None have a detailed knowledge of the patents, the applications therefor, or the inventions thereof. Messrs. Sanders, Pope, Chisholm, and Keefe have seen demonstrations of some models including those inventions.

54. Did plaintiff or its attorneys or representatives have any oral interviews with the Patent Office Examiner with respect to the prosecution of the applications (including parent applications) for said four patents? If yes, as to each interview:



- (a) identify the persons in attendance at the interview and the application in respect to which the interview was conducted;
- (b) the date of the interview;
- (c) summarize the discussion at the interview;
- (d) identify any documents relating to the interview, including but not limited to, drafts of claims discussed with the Examiner and memoranda or notes of the attorney; and
- (e) identify each device or apparatus, if any, shown to the Examiner during the interview.

RESPONSE:

Plaintiffs object to interrogatory 54 insofar as it requests information relating to U.S. Patents 3,728,480 and 3,778,058. With respect to U.S. Patents 3,659,284 and 3,659,285, plaintiffs supply the following information:

U.S. Patent 3,659,284 - Yes.

- (a) Louis Etlinger, Richard I. Seligman,  
Ralph H. Baer, Examiner D. Trafton
- (b) July 13, 1971
- (c) The defendant is referred to the file wrapper for information regarding the discussion
- (d) No documents exist regarding the interview
- (e) Experimental model was shown to the Examiner at the interview.

U.S. Patent 3,659,285 - No.

55. Did plaintiff or its attorneys or representatives: (1) obtain a license for filing foreign applications corresponding to any of said patents; (2) have any oral discussions with Patent Office personnel with respect to a license for filing foreign applications corresponding to said patents? If yes, as to each discussion:

- (a) identify the persons in attendance at the discussion;
- (b) the date of the discussion;
- (c) summarize the discussion and identify the specific patent or patents which disclose or claim the subject matter to which the license pertained; and
- (d) identify any documents relating to the discussion, including, but not limited to, drafts of claims discussed with Patent Office personnel and memoranda or notes of the attorney.

RESPONSE:

- (1) No.
- (2) No.

56. Identify by model, trade designation, drawing number, serial number, production designation or the like, the first prototype of a video or television type game device developed by or for the plaintiff.

RESPONSE:

Plaintiff Sanders constructed a number of models which at the time they were constructed were not intended to serve as prototypes for commercial units. However, plaintiff Magnavox subsequently used those models as prototypes. Those models will be produced for inspection by defendant.

57. Identify the employees and/or consultants of plaintiff by name, address and capacity, who participated in the development, design, construction and testing of the device identified in the preceding interrogatory.

RESPONSE:

Those who were primarily involved in said activities included Ralph H. Baer, William T. Rusch, William L. Harrison, and David E. Batchelder, Sanders Associates, Inc., Nashua, New Hampshire.

58. Where and when did the employees and/or consultants identified in the preceding interrogatory conduct such development, design, construction and testing activities?

RESPONSE:

The facilities of plaintiff Sanders in Nashua, New Hampshire from approximately September, 1966 through approximately January, 1969.

59. Identify by model, trade designation, drawing number, serial number, production designation or the like all video or television type game devices made commercially by or for the plaintiff.

RESPONSE:

Magnavox Model Number 1TL 200.

60. Identify the employees and/or consultants of plaintiff by name, address and capacity who participated in the development, design, construction and testing of each of the commercial devices identified in the preceding interrogatory.

RESPONSE:

Those primarily involved in said activities were as follows:

Mr. Robert E. Wiles, Vice President  
Product Planning  
The Magnavox Company  
Fort Wayne, Indiana

Mr. Robert Fritche, Product Manager  
The Magnavox Company  
Fort Wayne, Indiana

Mr. Clarence Graef  
Electronics Engineer, Television Group  
The Magnavox Company  
Fort Wayne, Indiana

Mr. Paul Knauer, Manager  
Advanced Development Engineering  
The Magnavox Company  
Fort Wayne, Indiana

Mr. Ron Bradford  
Bradford, Flash and Cout  
9933 Lawlor Avenue  
Skokie, Illinois.

61. Where and when did the employees and/or consultants identified in the preceding interrogatory conduct such development, design, construction and testing activities?

RESPONSE:

At the facilities of Magnavox in Fort Wayne, Indiana from Spring, 1971 through Summer, 1972.

62. State during what period or periods each of the commercial video or television type game devices were made by or for the plaintiff.

RESPONSE:

From approximately June, 1972 to the present.

63. Identify by model, trade designation, drawing number, serial number, production designation or the like all video or television type game devices sold commercially by or for the plaintiff.

RESPONSE:

Magnavox Model Number 1TL 200.

64. State during what period or periods each of the devices identified in the preceding interrogatory were sold by or for the plaintiff.

RESPONSE:

From approximately May, 1972 to the present.

65. With respect to the decision of plaintiff to market each of the video or television type game devices made commercially by or for the plaintiff:

- (a) identify those employees and/or consultants of plaintiff who participated in, were involved in, or made each decision;
- (b) identify those employees and/or consultants of plaintiff who approved each decision;
- (c) state when each decision was made; and
- (d) state where each decision was made.

RESPONSE:

- (a) Mr. Gerald G. Martin, a former Magnavox employee  
5127 Stonehedge Boulevard  
Fort Wayne, Indiana (last known address)

Mr. Robert E. Wiles  
Vice President, Product Planning  
The Magnavox Company  
Fort Wayne, Indiana

Mr. George H. Fezell, a former Magnavox employee  
RFD #1, Box 750  
Delray Dunes  
Delray Beach, California 33444

Mr. Robert Fritsche  
Product Manager  
The Magnavox Company  
Fort Wayne, Indiana

(b) Mr. Robert H. Platt  
The Magnavox Company  
345 Park Avenue  
New York, New York;

(c) October, 1971;

(d) Fort Wayne, Indiana.

66. In the event that any of the commercial models of video or television type game devices which were ever made by or for plaintiff has been discontinued, designate and describe fully the reasons therefor.

RESPONSE:

No such commercial models have been discontinued by either plaintiff.

67. If the answer to the preceding interrogatory is that plaintiff stopped making them (or words to a similar effect), designate why such manufacture was stopped.

RESPONSE:

No response required.

68. In the event that sale of any of the plaintiff's models of video or television type game devices

which were ever sold commercially by or for the plaintiff has been discontinued, designate the reasons therefor.

RESPONSE:

The sales of no such models have been discontinued by either plaintiff.

69. If the answer to the preceding interrogatory is that plaintiff stopped making them (or words to a similar effect), designate why such sale was stopped.

RESPONSE:

No response required.

70. Prior to the date on which the individuals in Interrogatory Nos. 57 and 60 started such development, design, construction and testing activities of plaintiff's prototype and first commercial devices, did these individuals have any knowledge of:

- (a) any video or television type game devices known, used or sold by others? If so, which ones?
- (b) printed publications describing any video or television type game? If so, which ones?
- (c) patent application or applications other than those which eventually issued into the patents in suit? If so, which ones?

RESPONSE:

With regard to the work carried on at Sanders to develop the experimental models, the response is as follows:

- (a) No.
- (b) No.

(c) No.

With regard to the work carried on at Magnavox to develop a commercial model, Magnavox had knowledge of the work previously done at Sanders.

71. If the answer to parts (a), (b) or (c) of the preceding interrogatory is affirmative, state what kind of knowledge and the circumstances surrounding the acquisition of such knowledge.

RESPONSE:

No response required.

72. When, where, and under whose supervision did plaintiff make the first production runs of each of the devices identified in Interrogatory No. 59.

RESPONSE:

The first production run of the Magnavox Model Number 1TL 200 was made in July, 1972 in Jefferson City, Tennessee under the engineering supervision of Mr. George A. Kent and under the manufacturing supervision of Mr. Charles Wolf.

73. When, by whom and to whom was each of plaintiff's devices, identified in Interrogatory No. 59 first offered for sale?

RESPONSE:

On or about May 3, 1972, Mr. Robert Fritsche showed the Magnavox Model Number 1TL 200 to the Magnavox sales force of Regional Managers in Phoenix, Arizona. Plaintiffs believe that that model was first offered for sale shortly after that date.



74. When was the first shipment of each of plaintiff's devices identified in Interrogatory No. 59 made pursuant to plaintiff's first commercial sale of each of said devices?

RESPONSE:

August, 1972.

75. Identify the first advertisement (for any medium) of each of plaintiff's devices identified in Interrogatory No. 59.

RESPONSE:

Magnavox form number OD-1072.

76. Identify the first sales promotional material, e.g., bulletins, press releases or the like, of each of plaintiff's devices identified in Interrogatory No. 59:

- (a) distributed to plaintiff's internal sales or marketing organization;
- (b) distributed to plaintiff's external sales or marketing organization, e.g., jobbers, distributors, retailers or the like.

RESPONSE:

See the produced documents.

77. Identify the first engineering specification for each of plaintiff's devices identified in Interrogatory No. 59.

RESPONSE:

Magnavox drawing 1TL 200 Test Spec., drawing

number 870805 dated April 12, 1972. Plaintiffs will not produce a copy of this document prior to entry by the defendant into an appropriate protective order.

78. Identify the first quality control specification for each of plaintiff's devices identified in Interrogatory No. 59.

RESPONSE:

See the response to interrogatory 77.

79. Identify all written communications and notes and memoranda of oral communications among or between any of the officers, agents, employees, attorneys or representatives of The Magnavox Company and Sanders Associates, Inc. concerning or referring to any of the following:

- (a) The purported inventions described in any of said four patents.
- (b) The validity of any of said four patents.
- (c) The prior art or state of the art relating to video or television type games.
- (d) The prosecution of the applications (including parent applications) for any of said four patents.
- (e) The licensing or attempted or proposed licensing of any of said four patents, or the inducement of persons to take licenses under any of said patents.
- (f) The terms of licenses to be granted under any of said four patents.
- (g) The computation of royalties proposed, sought or received for any licenses under any of said patents.

- (h) The receipt and accounting for royalties or other money paid for any license under any of said patents.
- (i) The effects of any of said patents upon competitors or customers of either The Magnavox Company or Sanders Associates, Inc.
- (j) The use of any of said patents to obtain orders for any video or television type games.
- (k) The alleged infringement by any person or firm of any of said patents.

RESPONSE:

Plaintiffs object to interrogatory 79 as requesting the identification of an extremely large number of documents thus placing plaintiffs under an undue and unnecessary burden to supply the requested information. Many of the documents sought to be identified are neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence. However, in order to advance the resolution of this action, plaintiffs will produce for inspection by defendant the documents requested to be identified in this interrogatory which are subject to a proper request for production. Plaintiffs will not produce the documents requested in paragraphs (g) and (h) of this interrogatory without the prior entry by defendant into an appropriate protective order.

80. Identify each and every person (or firm) whom plaintiff has sought to license under any of said four patents, and identify all written communications, notes and memoranda of oral communications, and all other

documents which relate or refer to any such licensing attempts or negotiations for a license.

RESPONSE:

The identification of the requested persons and firms may be obtained from the produced documents. Plaintiffs will produce for inspection by defendant the documents requested to be identified in this interrogatory which are subject to a proper request for production.

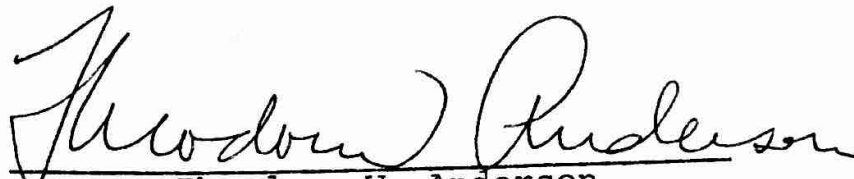
81. Identify all persons (or firms) whom plaintiff has charged with infringement of any of said four patents, specifying which patent(s) was applied to each person, and identify all written communications, notes and memoranda of all communications, and all other documents which relate or refer to any such charges of infringement.

RESPONSE:

See the response to interrogatory 80.

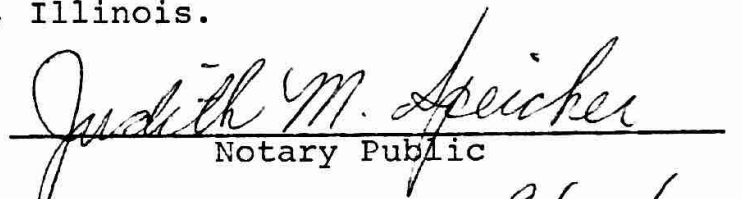
November 1, 1974

Chicago, Illinois

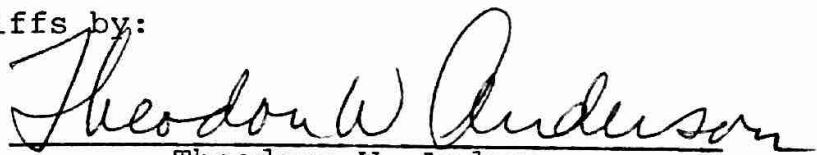
  
Theodore W. Anderson

NEUMAN, WILLIAMS, ANDERSON & OLSON  
Attorneys for Plaintiffs  
77 West Washington Street  
Chicago, Illinois 60602  
(312) 346-1200

Subscribed and sworn to before me this 1st day  
of November, 1974, in Chicago, Illinois.

  
Notary Public  
My Commission expires: 9/17/77

The foregoing objections and contentions are asserted  
or stated on behalf of plaintiffs by:

  
Theodore W. Anderson

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